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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,548	01/04/2002	Lev Korenevsky		7129

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07/05/2005

LEV KORENEVSKY

250 174st. #1107

MIAMI BEACH, FL 33160

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/037,548	Applicant(s) KORENEVSKY, LEV	
	Examiner Shay L. Balsis	Art Unit 1744	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 25 May 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items): Examiner is asking applicant to double space the newly submitted appeal brief.

With regards to 4a, the applicant needs to state the page and line numbers of the specification that defines the subject matter of the independent claims.

With regards to 6, the applicant must separate the arguments for each reference. For example, the three "Grounds of Rejection to Be Reviewed on Appeal" listed in the appeal brief would each be a separate heading under the "Arguments" section. Then under each heading would be the argument for that rejection. Do not combine argument for the rejections. Separate each rejection and argue each rejection separately. It should look like this:

ARGUMENTS

A. Rejection under 35 U.S.C. 102(b), anticipated by Thackara.

Claims 1-3 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Thackara (USPN 2766473).

Argue why Thackara does not anticipate the current invention.

B. Rejection under 35 U.S.C. 102(b), anticipated by Newman.

Claims 1-3 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Newman (USPN 3745624).

Argue why Newman does not anticipate the current invention.

C. Rejection under 35 U.S.C. 102(b), anticipated by Dezen.

Claims 1-3 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Dezen (USPN 4467509).

Argue why Dezen does not anticipate the current invention.


JOHN KIM
SUPERVISORY PATENT EXAMINER